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Approved For Release 2001/08/23 : CIA-RDP57-00384R001000020071-3

Gen Council

Sensitive Registry
0-2297-1

OGC Has Reviewed

20 December 1948

Mr. Elmer B. Staats
Assistant Director, Legislative Reference
Bureau of the Budget
Washington 25, D. C.

Dear Mr. Staats:

This is in answer to your letter of 2 December 1948, requesting the views of this Agency on the proposed bill entitled "Relating to the internal security of the United States", which the Department of Justice desires to present to the 81st Congress.

The first sections of the bill concern themselves with tightening up certain sections of the existing espionage laws. These changes are desirable and merely close technical loopholes in the Espionage Act. To the extent that this is done, we would be happy to support any appropriate measures which would serve to strengthen our espionage laws. We have no comment to make concerning the views of the other departments as to the best technical language to accomplish this aim.

We do feel, however, that piecemeal patching of the present statute, which has already been amended several times, is only a partial remedy. It would seem preferable if the entire Espionage Act could be revised and recodified, based upon our recent experiences during and after the war, as well as the experiences of the British under their Official Secrets Act. This could best be accomplished only after a complete and intensive study by an inter-departmental committee. In view of the highly controversial nature of these laws and their impact upon civil rights, it might be best if such a committee were under the chairmanship of an outstanding attorney or eminent member of a law school faculty. It should also include other persons of pre-eminent qualifications who would be free of the special pleading of those Government departments which would be called upon to administer the laws. This is, of course, a long range project, and, until completed, this Agency will support the present proposals insofar as they relate to amending the present Espionage Act.

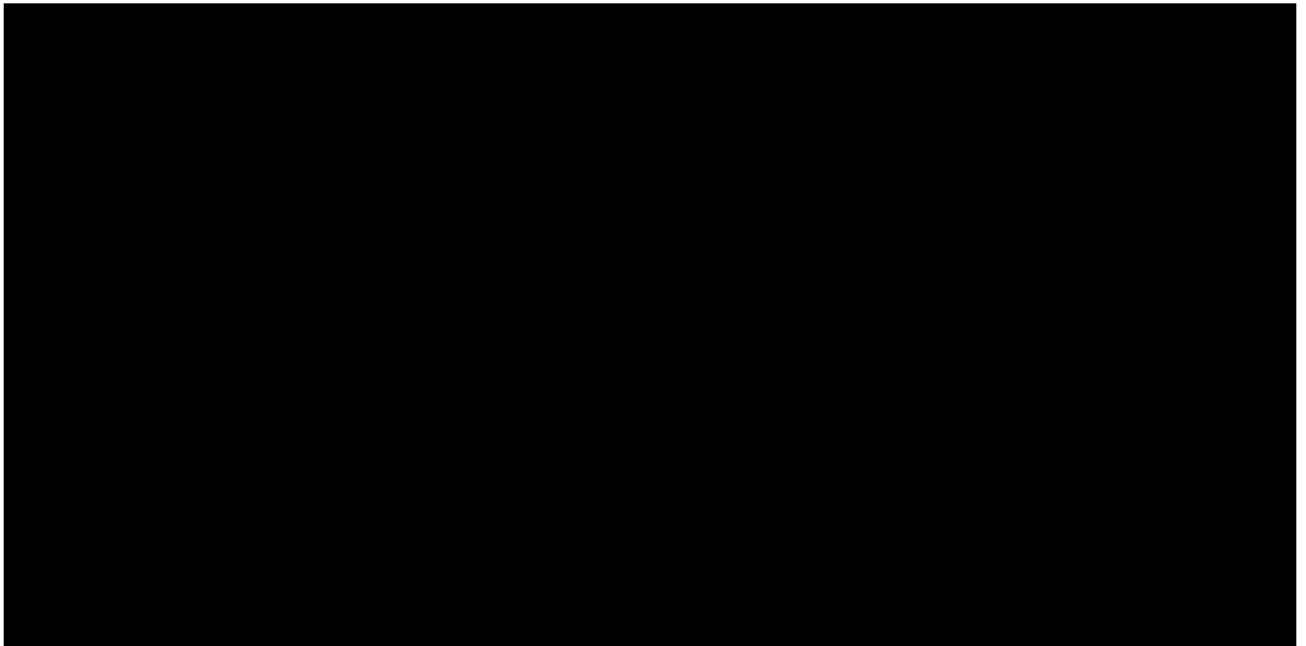
This Agency has serious reservations regarding proposals contained in Section 4 of the proposed bill. This section would amend the Foreign Agents Registration Act of 1938, as amended, by requiring the registration of persons who have knowledge of or have received instruction in the espionage, counter-espionage or sabotage service or tactics of a foreign government or a foreign political party.

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Information.

However, the primary basis for CIA objection to this section lies in the fact that the numbers of its personnel and the names of many of the CIA personnel who would particularly be required to register is considered a point of high security, and we would have serious reservations regarding making such a roster available. Under a literal interpretation, this section would force all those with counter-intelligence experience acquired during the war or with CIA, as well as many of those in other intelligence fields, to register in compliance with its provisions. We do not feel it is advisable to enforce the registration of American citizens under threat of fine or imprisonment, merely because they have specialized knowledge or experience gained in the service of their country. As this provision could be construed to require the registration of many CIA employees, past and present, as well as many active and reserve intelligence officers of the Military Establishment, and intelligence personnel of the Departments of State and the Treasury, we feel that CIA is bound to raise objection to its passage. The proposal to exclude from its provisions all those who receive such training or information while in the Government service would be helpful, but this exception should be carefully worded so as not to leave a loophole of escape to those who receive the information in the Government service, and then put it to illegal use after they leave the Government.

This Agency's comments on the proposed Section 5 are being forwarded to you separately.

Sections 6 and 7 of the proposed bill do not apply to this Agency, and therefore we make no comment upon them.

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As a general comment, we feel that this proposed bill should be divided into the three main subjects covered and each of them considered separately. We believe there is a better chance to reach satisfactory solutions to the issues in controversy by such separate bills than by simultaneous presentation.

12/21/48 by DCI

Signed/and dispatched by hand of Mr.

Houston, Gen Counsel

H. H. HILLENKOTTER

Rear Admiral, USN

Director of Central Intelligence

Addressee - Orig. & 9 cc

Signer's copy

General Counsel ✓

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